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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,353	03/21/2001	Manfred Pfalzgraf	740123-351	3471

22204 7590 10/29/2002

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EXAMINER

PEDDER, DENNIS H

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
09/813,353Applicant(s)
PfalzgrafExaminer
Dennis H. PedderArt Unit
3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Oct 15, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment for full explanation.

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none

Claim(s) objected to: none

Claim(s) rejected: 1-9

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on Oct 15, 2002 is a) ☐ approved or b) ☒ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☒ Other: See attachment.

Dennis H. Pedder
DENNIS H. PEDDER
PRIMARY EXAMINER
ART UNIT 3612

10/28/02

Art Unit: 3612

DETAILED ADVISORY ACTION

1. Applicant's suggestion that the mechanism of US Patent 4,911,497, already of record in this application, could be responsible for the movement claimed is not convincing. The mechanism illustrated in this patent moves the cover downwardly at front, followed by downward movement at rear, followed by rearward sliding movement in an orientation parallel to the vehicle roof. There is no suggestion in this patent of a mechanism that moves the cover forwardly at a downwardly tilted angle, followed by a downward rearward movement just prior to full forward movement. Nor is it seen how one of ordinary skill would modify this mechanism to produce the claimed movement as the movement in both figures 9-11 and 19-22 is produced by a sliding element that moves both front and rear ends of the cover simultaneously during such sliding movement. There is no suggestion of a selective movement downward of a cover end just prior to full sliding movement. As a result, the suggestion of a schematic illustration of known devices ^{is} ~~as~~ seen as new matter as no such devices are of record in this application.

Applicant's suggestion that the mechanism of Schreiter et al. would be "readily adaptable by anyone of ordinary skill" is noted. However, there is no evidence of such and no clear disclosure as to how such mechanism would be adapted.

Applicant may appeal to the honorable Board of Appeals for further opinion if desired.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pedder whose telephone number is (703)308-2178. Fax amendments to expedite handling should be sent to (703) 305-7687.

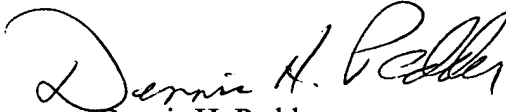
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DHP

October 28, 2002


Dennis H. Pedder
Primary Examiner
Art Unit 3612
10/28/02